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Plaintiff

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE AUTHORS GUILD et al.,
Plaintiffs

v.

GOOGLE, INC.,

Defendant.

Case No. 05 CV 8136-JES

OBJECTION

I, (Mr.) Takashi Yamamoto, am a Japanese national and own U.S. copyright to the case review titled "The Who Moved My Cheese? Case" which was published in Japan, a member of the Berne Convention, on April 1, 2002 and registered at the U.S. Copyright Office on July 11, 2002 as TX 5-585-888 as shown in the attached Exhibit A, as well as to my other books, articles and printed lectures as listed in the attached Exhibit B which were published before January 5, 2009. Therefore, I am a plaintiff to this case according to the current definition of the Settlement Class and the Author Sub-Class.

I have an objection to the Settlement Agreement and certification of the Settlement Class. The definition of Settlement Class is too broad for this case to be a "case or controversy." The plaintiff class was originally defined as "all persons or

entities that hold the copyright to a literary work that is contained in the library of the University of Michigan.” The originally defined class was in the position to suffer present harm or immediate threat of harm, because the library of the University of Michigan had agreed with defendant Google to scanning all the literary works that are contained in the library. However, the Settlement Class is defined as “All persons that, as of January 5, 2009, have a Copyright Interest in one or more Books or Inserts.” This Class includes Copyright owners whose books are not in the libraries which agreed or are likely to agree to defendant Google’s scanning of their held books. It is said that defendant Google scans the books contained in the libraries with whom defendant Google enters into a cooperative agreement, and that the number of such libraries are not comprehensive but limited to only less than 20.

Therefore, this suit lacks ripeness with respect to such Copyright owners, and this suit does not fall within “case or controversy.”

Dated: August 31, 2009
Tokyo, Japan

By: *Takashi Yamamoto*

Takashi Yamamoto
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CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS
United States of America

OFFICIAL SEAL



SHORT FORM TX

For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

Regis

TX 5-585-888



Effective Date of Registration

7-11-02

Application Received

Deposit Received

One May 3, 2002 Two

Fee Received

7-11-02

Examined By

Correspondence



TYPE OR PRINT IN BLACK INK. DO NOT WRITE ABOVE THIS LINE.

Title of This Work:

1

Case Review "The Who Moved My Cheese? Case"

Alternative title or title of larger work in which this work was published:

Name and Address of Author and Owner of the Copyright:

2

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Nationality or domicile: Phone, fax, and email:

Year of Creation:

3

2002

If work has been published, Date and Nation of Publication:

4

a. Date April 1 2002 (Month, day, and year all required)
Month Day Year
b. Nation Japan

Type of Authorship in This Work:

5

☒ Text (includes fiction, nonfiction, poetry, computer programs, etc.)
☐ Illustrations
☐ Photographs
☐ Compilation of terms or data

Check all that this author created.

Signature:

6

Registration cannot be completed without a signature.

I certify that the statements made by me in this application are correct to the best of my knowledge.* Check one:

☒ Author ☐ Authorized agent

X Takashi Yamamoto

Name and Address of Person to Contact for Rights and Permissions:

7

☒ Check here if same as #2 above.

Phone, fax, and email:

Phone ()
Email

Fax ()

8

Certificate will be mailed in window envelope to this address:

Name ▼ Takashi B. Yamamoto
Number/Street/Apt ▼ Urban Toranomon Bldg., 6th Floor
16-4, Toranomon 1-chome Minato-ku
City/State/ZIP ▼ Tokyo 105-0001 Japan

Complete this space only if you currently hold a Deposit Account in the Copyright Office.

9

Deposit Account #
Name

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*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

June 1999—100,000
WEB REV: June 1999

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U.S. GOVERNMENT PRINTING OFFICE: 1999-454-879/53

- PUBLICATIONS
- (BOOKS)
- The Fundamentals of American Copyright Law, 2d Ed.
(Ohta Publishing Co., Japan, 2008)
 - E-Commerce and the Law of Digital Signatures (co-authored)
(OCEANA, U.S.A., 2005)
 - The Fundamentals of American Copyright Law
(Ohta Publishing Co., Japan, 2004)
 - World Intellectual Property Right and Remedies (co-authored)
(OCEANA, U.S.A., 2001)
 - World Copyright Statutes No.29 –U.S. Copyright Act of 1976– (co-translated)
(Copyright Research and Information Center, Japan, 2000)
 - World Copyright Statutes No.27 –Digital Millennium Copyright Act– (translation)
(Copyright Research and Information Center, Japan, 1999)
 - Copyright Enforcement Manual: Korea
(Gyosei Co., Japan, 1999)
 - Amendment to Copyright Law and Unfair Competition Prevention Law (co-authored)
(Yuhikaku Publishing Co., Ltd., Japan, 1999)
 - Proposal for a European Parliament and Council Directive on the harmonization of certain aspects of copyright and related rights in the information society (translation)
(Copyright Research and Information Center, Japan, 1998)
 - International Protection of Intellectual Property Rights (co-authored)
(FT Law & Tax, U.K., 1996)
 - World Antitrust Law and Practice (co-authored)
(Little Brown, U.S.A., 1995)
 - The Green Paper of the European Commission on Copyright and Related Rights in the Information Society (translation)
(Copyright Research and Information Center, Japan, 1995)
 - Intellectual Property and the National Information Infrastructure: The Report of the Working Group on Intellectual Property Rights (translation)
(Copyright Research and Information Center, Japan, 1995)
 - American Copyright Law (translation)
(Commercial Law Center Inc., Japan, 1990)
- (Articles)
- Japanese Court Jurisdiction Over International Cases
Comparative Law Yearbook of International Business Vol.30 (USA, 2008)
 - Dependence and Independence in Copyright Exemptions to Indirect Infringers from Direct Infringers
The Current Society and Copyright Law –Publication of Articles in commemoration of the

- 495 Copyright 2 (Japan, 2002)
- The "Who Moved My Cheese?" Case
- 492 Copyright 16 (Japan, 2002)
- Free Speech of Expression by Parody and Limitation on Copyright Protection –Suntrust Bank v. Houghton Mifflin Co., F.3d, 62 PTCJ 552 (11th. Cir. 2001)–
- 1215 Jurist 172 (Japan, 2002)
- After the "Napster" Case: Trends Surrounding the Online Music Services
- 13 L & T 91 (Japan, 2001)
- The IBF File Case Where the Court Held that Data Files do not Constitute Program Works
- Copyright Case Law –Celebrating the 70th Birthday of Mr. Ryuichi Murabayashi (Japan, 2001)
- The "Napster" Case
- 483 Copyright 17 (Japan, 2001)
- Unfair Competition Prevention Law and the Role of Patent Attorneys: With Analysis of the iMac Case
- 54 Patent 2 (Japan, 2001)
- The Development of Copyright Law System in the U.S., EU and Japan
- 18 Law and Computers 103 (Japan, 2000)
- Digital Millennium Copyright Act and Other Recent Amendment to the U.S. Copyright Law
- 459 Copyright 21 (Japan, 1999)
- Copyright Protection of Databases –The Wall Street Journal Case–
- Copyright Update Japan 1998 (Japan, 1999)
- Legal Issues on Shrink-Wrap Agreements
- 438 Copyright 2 (Japan, 1997)
- Moral Rights in the United States
- 23 Copyright Law Journal 34 (Japan, 1996)
- Copyright Issues in a Networked Society
- 425 Copyright 2 (Japan, 1996)
- Outline of EU Directive on Protection of Database
- 424 Copyright 2 (Japan, 1996)
- Copyright Issues of the Information Super Highway
- Multimedia Copyright Information (Japan, 1996)
- Analyses of Risk in U.S. Patent Litigation
- 23/2 Journal of the Japanese Institute of International Business Law (Japan, 1995)
- Legal Framework of Intellectual Property
- Intellectual Property Handbook (Japan, 1995)
- Characteristic of American Copyright Law
- 409 Copyright 2 (Japan, 1995)

- Copyright Enforcement in Japan
(Tokyo Seminar 2003–2006)
- Copyright Enforcement in Japan
(Copyright Research and Information Center, 2000–2004)
- Copyright Enforcement in Japan
(Japan International Cooperation Agency, 1999–2007)
- The DMCA of US and the EU Directive
(The Copyright Law Association of Japan, general Symposium in Autumn, 2001)
- License of Copyright to Computer Programs
(Japanese Pharmaceutical Industry Legal & Business Affairs Association, 2001)
- The History of the Unfair Competition Prevention Law and the Role of Patent Attorneys under the Unfair Competition Prevention Law as Amended
(Japan Patent Attorneys Association, 2000)
- Legal Issues on E-Commerce and Business Model Patents
(Japan Productivity Center for Socio-Economic Development, 2000)
- Conflict of Laws and Jurisdiction in Copyright Infringement Disputes
(Licensing Executives Society Japan, 2000)
- Digitalization in Japan and the United States: Status of and Lessons from Advanced Development of Infrastructure for Digital Society in the United States, and Advice to Users and Photographers in Japan
(All Japan Federation of Copyrights for Photographers, 1999)
- Intellectual Property Rights in the Networks
(Japan Agricultural Development Extension Association, 1999)
- Discussion in WIPO and the Legislative Trend in Europe and the United States on Copyright
(Keidanren, 1999)
- New Technologies and Their Copyright Protection at the International Level
(WIPO National Training Course on International Protection of Copyright and Neighboring Rights, Hanoi & Ho Chi Minh, 1998)
- The Exercise and Management of Copyright and Neighboring Rights: International Practice and the National Experience of Japan
(WIPO National Training Course on International Protection of Copyright and Neighboring Rights, Hanoi & Ho Chi Minh, 1998)
- Legal Issues on Shrink-Wrap Agreements
(Copyright Research and Information Center, 1997)
- The Impact of Digital Technology on Copyright and Neighboring Rights Protection
(WIPO Asian Regional Congress, Chiang Mai, Thailand, 1996)